

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

DAVID MOORE, #45513

PETITIONER

VERSUS

CIVIL ACTION NO. 4:09-cv-152-DPJ-JCS

DALE CASKEY, Warden

RESPONDENT

**ORDER TRANSFERRING CAUSE TO UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

Petitioner submitted to this Court a petition for habeas corpus relief pursuant to 28 U.S.C. § 2254. Petitioner indicates that he is currently serving a state sentence for the sale of cocaine as a habitual offender rendered by the Lowndes County Circuit Court, located in the Northern District of Mississippi. Petitioner is currently confined in the East Mississippi Correctional Facility, Meridian, Mississippi, located in the Southern District of Mississippi.

28 U.S.C. § 2241(d) states that when a person files a petition for a writ of habeas corpus and is in custody under the judgment and sentence of a state court with two or more federal judicial districts, the petition may be filed in the district court for the district where the person is in custody or in the district court for the district within which the state court was held that convicted and sentenced the person, and each district shall have concurrent jurisdiction. Further, the district court in which the petition is filed may in the exercise of its discretion and in furtherance of justice transfer the petition to the other district court for hearing and determination. Since Petitioner is serving a state sentence from Lowndes County Circuit Court which is in the Northern District of Mississippi, this case will be transferred to the United States District Court for the Northern District of Mississippi. In the exercise of this Court's discretion and in the furtherance of justice, it is hereby,

ORDERED that this petition for habeas relief and motions to proceed *in forma pauperis*

be transferred to the United States District Court for the Northern District of Mississippi and that the petition and motions shall be received in accordance with the orders and local rules of that court and any applicable statute or law.

SO ORDERED AND ADJUDGED this the 18th day of November, 2009.

s/ *Daniel P. Jordan III*
UNITED STATES DISTRICT JUDGE